

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing amendment, Claims 1-4 are pending in the present Application. Claims 1-4 have been amended to address cosmetic matters of form. Applicants submit that the scope of these claims has not been narrowed.¹ No new matter has been added.

By way of summary, the outstanding Official Action presents the following issues: Claim 3 is objected to; Claim 1 is rejected under 35 U.S.C. § 112, second paragraph; Claims 1-2 stand rejected under 35 U.S.C. § 102 as lacking novelty with respect to Fujino et al. (U.S. Patent No. 4,734,814, hereinafter Fujino); and Claims 3-4 stand rejected under 35 U.S.C. §103 as being obvious over Fujino.

OBJECTION TO THE CLAIMS

In regards to the objection of Claim 3 outlined in paragraph 1 of the Official Action, Applicants have amended Claim 3 in the manner suggested by the Official Action.

Accordingly, Applicants respectfully request that the objection to Claim 3 be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

In regards to the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, Applicants have amended the claim to clarify the language "while keeping a direction of the disc surface". The new language of Claim 1 reflects that the disc is not offset in a planar

¹ This comment is made in view of the recent Festo decision which limits the applicability of the Doctrine of Equivalents for amendments related to the patentability of the claims.

direction when removing the disc from its initial caught location after setting the disc to a turntable which the contents of the disc can be reproduced.

Accordingly, Applicants respectfully request that the rejection of Claim 1, under 35 U.S.C. § 112, be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-2 as being unpatentable under Fujino. The Official Action states that Fujino discloses all the Applicants claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 1 recites, *inter alia*, a disc recording and/or reproducing apparatus including:

“... a releasing means for releasing said disc caught by said catching means from said first location after setting said disc to a turntable whereby said seated location is not offset in a planar direction of said disc during said setting...”

By way of background, multiple disc reproducing apparatuses are known in which discs are input to the device for storage in a storing portion by stacking the discs one over the other in a rack form. Conventionally, an insertion position and a reproducing position for CD have been offset with respect to each other in the planar direction of the CD.² Thus, when a CD is inserted in the conventional apparatus, the CD is stored in a position caught to a tray such that when the apparatus reproduces the CD, the CD must be moved, or offset in the planar direction, from the caught position to a reproducing position before setting the disc to a turntable.³

² Application of Figure 36.

³ Application at Page 2, lines 12-21

In light of the above deficiency in the art, the present invention is provided. With this object in mind, a brief comparison of the claimed invention in view of the cited references is believed to be in order.

Fujino discloses a plural disc cartridge arrangement. The invention is provided for storing and/or manipulating compact discs such that a plurality of compact discs may be stored for use by a reproducing device such as used in an automobile.⁴ As can be appreciated from Figure 2 of Fujino, a leaf spring (4) is fixed at both ends of an inner surface of a tray case (1). In order to move the disc from the caught location to a reproducing location a push member (5) is provided with a slide tab (7) for urging the disc in the planar direction from the caught location before setting the disc to a turntable. Accordingly, Fujino does not disclose or suggest releasing means for releasing a disc from its initial location after setting to a turntable whereby it is not offset in a planar direction from the initial location in the tray.

This novel aspect of the Applicants' invention enables a disc recording and/or reproducing apparatus which can be manufactured of a decreased size, as the planar dimensions necessary to compensate for the offset of the conventional disc apparatus are avoided. Accordingly, Applicants submit that Claim 1 as amended and any claim depending therefrom are patentably distinguished over Fujino for the reasons discussed above.

Thus, Applicants respectfully request that the rejections of Claim 1-2 under 3 U.S.C. § 102 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 3-4 under 35 U.S.C. § 103 as being unpatentable over Fujino. Official Action contends that Fujino discloses all of the

Applicants' claim limitations with the exception of a catching means employing at least two members. However, the Official Action states that it would have been obvious one of ordinary skill in the art at the time the invention was made to provide Fujino with duplicate parts. Applicants respectfully traverse the rejection.

As discussed above, Fujino does not disclose a recording and/or reproducing apparatus in which its contents are reproduced by way of a releasing means whereby the location of the disc in the storage tray as inserted into the device is not offset in a planar direction during setting to the turntable. As such, the Official Action does not provide a *prima facie* case of obviousness with regard to Claims 3-4.

Accordingly, Applicants respectfully request that the rejections of Claims 3 and 4 under 35 U.S.C. § 103 be withdrawn.

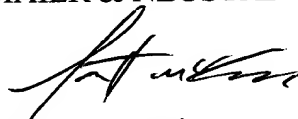
⁴ Fujino at column 2, lines 42-50

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-4, is definite, patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested in early date.

Respectfully submitted,

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